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S.B. CIVIL MISC. APPEAL NO.1730/2006.

Abida Bano & Anr. Vs. Kamal & Ors.

Date of Order : 26th March 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. S.K. Sankhla, for the appellants.

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For accidental death of about 12 years old child Ayub, the Tribunal has taken his notional income at Rs.15,000/- per annum and with application of multiplier of 15 and deducting one-third on personal expenditure, has assessed pecuniary loss at Rs.1,50,000/- and has further allowed Rs.2,000/- towards funeral expenses and Rs.2,500/- towards property damage and in this manner has made the award in favour of the parents of the victim in the sum of Rs.1,54,500/-. The claimants seek enhancement in this appeal.

Having heard learned counsel for the appellants and having examined the record in its totality, this Court is of opinion that on the facts and in the circumstances of this case, the award of compensation in the sum of Rs.1,54,500/- in relation to the parents of the victim child, though moderate, cannot be said to be grossly inadequate; and there does not appear any basis whereupon any enhancement be made over the amount awarded by the Tribunal.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

Mohan/